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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 ANTHONY FEJERAN,

9 Plaintiff,

10 vs.

11 UNITED AIRLINES, INC., *et al.*,

12 Defendants.
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Case No. 2:16-cv-00026-MMD-GWF

**REPORT AND
RECOMMENDATION**

14 This matter is before the Court on Plaintiff's failure to comply with the Court's Order to
15 Show Cause (ECF No. 74), filed on September 26, 2017.

16 On June 7, 2017, the Court granted Plaintiff's counsel's motion to withdraw as attorney
17 (ECF No. 63). *See* ECF No. 64. Since that time, Plaintiff has failed to respond to several filings by
18 Defendant and has failed to appear for a status conference. *See* ECF No. 73. In addition, since
19 September 20, 2017, all mailings sent to Plaintiff from the Court have been returned as
20 undeliverable. On September 26, 2017, the Court entered an Order to Show Cause (ECF No. 74)
21 directing Plaintiff to show cause, in writing, no later than October 10, 2017, why this case should
22 not be dismissed for a failure to prosecute. Plaintiff was warned that failure to show cause in
23 writing may result in a recommendation to the district judge that this case be dismissed. To date,
24 Plaintiff has not taken any other action to prosecute this case.

25 Plaintiff has failed to abide by Local Rule IA 3-1, which provides that "An attorney or pro
26 se party must immediately file with the court written notification of any change of mailing address,
27 email address, telephone number, or facsimile number. The notification must include proof of
28 service on each opposing party or the party's attorney. Failure to comply with this rule may result in

1 the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by
2 the court.” Since Plaintiff’s mail has continuously been returned as undeliverable it is clear that
3 Plaintiff has not apprised the Court of his most recent address. Pursuant to Fed. R. Civ. P. 41(b),
4 the Court may dismiss an action with prejudice if the Plaintiff fails to prosecute or to comply with
5 these rules or a court order. Accordingly,

6 **RECOMMENDATION**

7 **IT IS HEREBY RECOMMENDED** that Plaintiff’s Complaint (ECF No. 1) be dismissed
8 with prejudice.

9 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close this
10 case and enter judgment accordingly.

11 **NOTICE**

12 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
13 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
14 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
15 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has
16 also held that (1) failure to file objections within the specified time and (2) failure to properly
17 address and brief the objectionable issues waives the right to appeal the District Court’s order and/or
18 appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157
19 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

20 DATED this 8th day of December, 2017.

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23 GEORGE FOLEY, JR.
24 United States Magistrate Judge
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